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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,611	08/01/2001	Kiyoshi Iwai	Q65615	2508

7590 01/14/2004

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EXAMINER

BELL, PAUL A

ART UNIT	PAPER NUMBER
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2675

DATE MAILED: 01/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/919,611

Applicant(s)

IWAI, KIYOSHI

Examiner

PAUL A BELL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Suso et al. (6,466,202).

With regard to claim 1 Suso et al. teaches a portable information terminal apparatus (abstract) comprising: a communication part for transmitting and receiving signals by utilizing a radio channel (column 1, lines 8-14); a display mode selection part for selecting a display mode in which contents of data contained in said signals are displayed with one or more display colors (column 2, lines 64-67, figure 1c, item 10, teaches a “monochromatic first display part”, one color at a time, and item 11 a

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“multicolored second display part” also note figures 2a and 2b illustrate the data display part which includes both item 10 and item 11 integrated at a single location), a display color selection part for selecting an allowable number of the display colors to be used (If user is using the “monochromatic first display part” he is allowed one color at a time and if he is using the “multicolored second display part” he has one or more possible allowable number of display colors), when said contents of data are displayed in accordance with a selection result by said display mode selection part (figure 3b, illustrates monochromatic text data in item 10 and multicolor image data in item 11); and a data display part for displaying said contents of data in the display mode selected by said display mode selection part (In Suso et al. the “data display part” is made up of a “monochromatic first display part” and a “multicolored second display part”), and with the selected allowable number of the display colors selected by said display color selection part (column 2, lines 64-67 and figure 1c, items 1 and 2).

With regard to claim 2 Suso et al. teaches the portable information terminal apparatus according to claim 1, wherein said display color selection part selects at least one kind of the display colors, when the display mode for said contents of data selected by said display mode selection part is set to a display mode other than for an image data (column 3, lines 1-16).

With regard to claim 3 Suso et al. teaches the portable information terminal apparatus according to claim 1, wherein said data display part comprises light emitting

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elements, each having a color different from each other, constituting a pixel of a display screen and a drive circuit to drive said light emitting elements. (Since a color Liquid crystal display as shown by Suso et al. is made up of pixels that emit light and each pixel has a red green and blue component capable of multicolors it reads on this broad functional language and a driver for a display is inherent or it would not work)

With regard to claim 4 Suso et al. teaches the portable information terminal apparatus according to claim 1, wherein said data display part comprises light emitting elements, each having a color different from each other, constituting a pixel of a display screen and a drive circuit to drive said light emitting elements (Since a color Liquid crystal display as shown by Suso et al. is made up of pixels that emit light and each pixel has a red green and blue component capable of multicolors it reads on this broad functional language and a driver for a display is inherent or it would not work).

With regard to claim 5 Suso et al. teaches the portable information terminal according to claim 1, wherein said data display part utilizes a display unit being selectively switched between multicolor display and monochrome display modes for displaying said contents of data while conserving electric power (figures 2a and 2b illustrate the “data display part” which includes both item 10 and item 11 integrated at a single location and abstract teaches this reduces power consumption)

Response to Arguments

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3. Applicant's arguments filed 20 October 2003 have been fully considered but they are not persuasive.

The applicant argues on page 4 with regard to claim 1 Suso et al. does not disclose , “a display color selection part for selecting an allowable number of the display colors to be used” and “a data display part for displaying said contents of data in the display mode selected by said display mode selection part”. The examiner disagrees and references the more detailed rejection above based on a broad interpretation of the “a data display part” language used.

The applicant argues on page 5 with regard to claim 2 Suso et al. does not disclose , “Wherein said display color selection part selects at least one kind of the display colors”. The examiner disagrees based on a broad interpretation of the “at least one kind of the display colors” language used since the monochromatic display has to use one color from the set of possible “display colors” it reads on this broad language .

The examiner believes based on looking at your specification and the reference used it may be possible to present “new issues”, that narrow this broad language and overcomes the 102 rejection based on a reasonable broad interpretation of the language, but would require further search and consideration therefore applicant may find it beneficial to call to request an interview before taking further action.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Bell whose telephone number is (703) 306-3019. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Saras, can be reached at (703) 305-9720.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to: (703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Paul Bell

Paul Bell

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12 January 2004

Chanh Nguyen
CHANH NGUYEN
PRIMARY EXAMINER